



United States Department of State

The Legal Adviser

Washington, D.C. 20520

May 3, 2010

Dear State and Local Human Rights Commissions,

I am writing concerning three human rights reports that the United States will be submitting to the United Nations (UN) in 2010 and 2011. These reports concern implementation of U.S. obligations under the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), and International Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT). In this letter, I am inviting you to work with the Department of State to highlight those actions your authorities are taking at the state and local level to protect and advance civil rights and to implement these important treaties.

As you may be aware, implementation of U.S. human rights treaty obligations is carried out not only by the federal government, but also by state and local governments, through work such as that done by your commissions. The UN committees to which these reports will be submitted are interested in receiving information on programs and activities undertaken by states, counties and other local jurisdictions in the human rights area. Thus, we are reaching out to you for information on your programs and activities relevant to these three reports.

The first report, regarding U.S. implementation of the ICCPR, covers a very wide variety of civil rights issues, including equal protection and equality before the law; liberty and security of person; treatment of persons deprived of liberty; right to fair trial; freedom of arbitrary interference with privacy, family, and home; freedom of thought, conscience and religion; freedom of opinion and expression; freedom of association; protection of the family and children; access to the political system; and the rights of members of minorities with regard to culture, religion and language. The previous report, which was submitted to the United Nations in 2005, can be found at:

<http://www.state.gov/g/drl/rls/55504.htm>. (Click on Second and Third Periodic Report of the United States of America to the UN Committee on Human Rights Concerning the International Covenant on Civil and Political Rights).

While this report is necessarily at a fairly high level of generality because of its broad scope, we hope to be able to include some information on state and local programs, where relevant. The kinds of information that would be useful are citations to relevant state statutes; examples of state case law relevant to the enforcement of civil rights laws (civil and criminal); and information on state civil rights programs (including policies, educational outreach programs and handling of civil rights complaints). This report is due to the UN Human Rights Committee on August 1, 2010, and thus we are seeking input by the end of May (see below).

The second report, which will describe U.S. implementation of the CAT, covers acts of torture and other cruel, inhuman, or degrading treatment or punishment. The previous report, which was submitted to the United Nations in 2005, can be found at: <http://www.state.gov/g/drl/rls/45738.htm>. Several portions of the previous report focused on state actions, including Article 10 (education and information), Article 13 (right to complain), Article 14 (right of redress and/or compensation), and Article 16 (other cruel, inhuman or degrading treatment or punishment). For the next report, the Committee Against Torture has expressed an interest in several issues involving state action, including training for all medical personnel dealing with prisoners or detainees; allegations of torture, police brutality, excessive use of force or cruel treatment by state and local police forces; mechanisms to obtain redress, compensation and rehabilitation for acts of torture; prevention of sexual violence in detention facilities; detention of children; sentencing of juveniles to life imprisonment; use of electroshock devices; and the prevention and punishment of violence against women. Information on state and local laws, programs, adjudication of complaints and other state initiatives (including training programs) concerning these issues would be particularly helpful. The CAT report will be submitted in the second half of 2011.

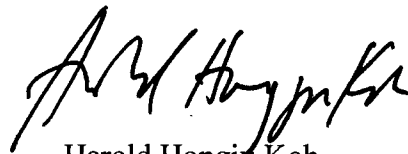
The third report, which regards the CERD, covers discrimination based on race, color and national or ethnic origin. The previous report, which was submitted to the United Nations in 2007, can be found at: http://www.state.gov/g/drl/rls/cerd_report/83404.htm. The 2007 CERD report contains a number of sections specifically describing state and local programs – including Enforcement of Anti-discrimination Law by States (p. 27), State Activity concerning Hate Crimes (p. 67), and Examples of State Civil Rights Programs (Annex I). Annex I describes the civil rights programs of four states in more detail. The CERD committee so positively received this information about state programs that we are hoping similarly to highlight the laws and programs of several states in the upcoming report, although decisions concerning the particular states have not yet been made. In addition, when we appeared before the CERD Committee in Geneva to discuss the CERD report, we were delighted to have a state representative on our delegation to explain state activities and programs. We hope to have such representation again for the next CERD report. Information on state civil rights laws, adjudication of complaints concerning racial and ethnic discrimination; hate crimes prosecutions and prevention programs; programs to deal with racial issues in education; programs to address racial issues in prison populations; information concerning programs to provide legal representation to indigent defendants, training of law enforcement and other officials in complying with civil rights laws, and other related materials would be particularly helpful. The CERD report is due November 20, 2011.

Because the ICCPR report is due on August 1, we hope to receive your input information by the end of May so that we can incorporate it in a timely fashion. We will look for input for the CERD and CAT reports by the end of October, 2010. Given our need for relatively quick action on your part on the ICCPR report, we welcome you or someone in your office to reach out directly to the coordinator of the U.S. ICCPR report, Mary Beth West, at west.marybeth@gmail.com. She can also be reached at (202)-362-2625.

Ms. West will also be coordinating the U.S. report on its implementation of the CERD and is happy both to receive materials directly and to answer questions on that subject. For the U.S. CAT report, to Ms. Sally Cummins, sallycummins@earthlink.net, would similarly serve as the Department of State's point of contact. If you have any questions on any of these issues, please feel free to be in touch with them. If your website contains detailed information on cases and/or programs, you may wish simply to refer the above points of contact to that website.

Thank you very much. We appreciate your commitment to the vigorous protection of civil rights and we look forward to working with you to help our country explain to the international community the lessons we have learned in ensuring these protections for all.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Harold Hongju Koh". The signature is fluid and cursive, with the first name "Harold" being more prominent.

Harold Hongju Koh
The Legal Adviser